

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

August 10, 2006

The Marlboro Township Council held its regularly scheduled meeting on August 10, 2006 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Morelli opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 3, 2006; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Pernice, Councilman Rosenthal, Councilwoman Tragni and Council President Morelli (Absent: Cantor).

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Councilman Pernice moved that the minutes of June 20 and July 13, 2006 be approved. This motion was seconded by Council man Rosenthal and the minutes were passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

Council President Morelli opened the Public Hearing on Ordinance # 2006-19 (Bond Ordinance - 2006 Capital Budget). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2006-290/Ord. #2006-19 (Bond Ordinance - 2006 Capital Budget) was introduced by reference, offered by Councilman Pernice, seconded by Council President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-290

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-19

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$3,686,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$3,501,700 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

which was introduced on July 13, 2006, public hearing held August 10th be adopted on second and final reading this 10th day of August, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE # 2006-19

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$3,686,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$3,501,700 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$3,686,000, including the sum of \$184,300 as the several down payments required by the Local

Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$3,501,700 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (1) Purpose: Acquisition of cable studio equipment for the Administration Department, and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$26,251
<u>Maximum Amount of Bonds or Notes:</u>	\$24,938
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,313

- (2) Purpose: Acquisition of an ambulance for the Morganville First Aid Squad, and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$152,255
<u>Maximum Amount of Bonds or Notes:</u>	\$144,642
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 7,613

- (3) Purpose: Acquisition of document imaging equipment for the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$26,251
<u>Maximum Amount of Bonds or Notes:</u>	\$24,938
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 1,313

- (4) Purpose: Acquisition of seven laptop computers for the Township Council, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$15,751
<u>Maximum Amount of Bonds or Notes:</u>	\$14,963
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 788

- (5) Purpose: Road improvements to and reconstruction of Route 520 from Route 9 to Old Bridge Border, located in the Township, as more fully described on a list on file with the Township Clerk, and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$21,001
<u>Maximum Amount of Bonds or Notes:</u>	\$19,951
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 1,050

- (6) Purpose: Road improvements to Robertsville Road and Gordons Corner Road intersection, located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$141,755
<u>Maximum Amount of Bonds or Notes:</u>	\$134,667
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 7,088

- (7) Purpose: Resurfacing of Conover Road located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$94,503
<u>Maximum Amount of Bonds or Notes:</u>	\$89,778
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 4,725

- (8) Purpose: Improvements to the Union Hill Commuter Lot, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$577,521
<u>Maximum Amount of Bonds or Notes:</u>	\$548,645
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 28,876

- (9) Purpose: Drainage improvements to Station Road from Crine Road to Ardsley Place, located in the Township, as more fully described on a list on file with the Township Clerk, and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$346,512
<u>Maximum Amount of Bonds or Notes:</u>	\$329,186
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 17,326

- (10) Purpose: Township-wide Stream Cleaning Program, including, but not limited to, desilting of Greenbriar Pond, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$31,501
<u>Maximum Amount of Bonds or Notes:</u>	\$29,926
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,575

- (11) Purpose: Acquisition of generators with portable lights for the Township Office of Emergency Management, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$7,350
<u>Maximum Amount of Bonds or Notes:</u>	\$6,982
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 368

(12) Purpose: Acquisition of surface ice rescue kit for the Township Office of Emergency Management, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$4,515
<u>Maximum Amount of Bonds or Notes:</u>	\$4,289
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 226

(13) Purpose: Acquisition of Mobile Data Terminal for the Township Office of Emergency Management, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$6,825
<u>Maximum Amount of Bonds or Notes:</u>	\$6,484
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 341

(14) Purpose: Acquisition of Mobile Data Terminals for the Township Police Department patrol vehicles, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$14,999
<u>Maximum Amount of Bonds or Notes:</u>	\$14,249
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 750

(15) Purpose: Acquisition of communication equipment for UHF Frequency for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$31,501
<u>Maximum Amount of Bonds or Notes:</u>	\$29,926
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 1,575

(16) Purpose: Acquisition of containment refill oxygen tank for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$10,500
<u>Maximum Amount of Bonds or Notes:</u>	\$ 9,975
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 525

(17) Purpose: Acquisition of a weapon mounted lighting system for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$10,500
<u>Maximum Amount of Bonds or Notes:</u>	\$ 9,975
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 525

(18) Purpose: Acquisition of simmunition weapons and protective gear for the Township Police Department and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$8,400
<u>Maximum Amount of Bonds or Notes:</u>	\$7,980
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 420

(19) Purpose: Acquisition of a parts washer for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$3,150
<u>Maximum Amount of Bonds or Notes:</u>	\$2,992
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 158

(20) Purpose: Acquisition of a replacement vehicle for the K-9 unit of the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$36,452
<u>Maximum Amount of Bonds or Notes:</u>	\$34,630
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 1,823

(21) Purpose: Acquisition of two motorcycles for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$42,002
<u>Maximum Amount of Bonds or Notes:</u>	\$39,902
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 2,100

(22) Purpose: Acquisition of KA Stalker Radar units for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$27,984
<u>Maximum Amount of Bonds or Notes:</u>	\$26,590
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 1,399

(23) Purpose: Landscaping improvements to the Township Municipal Complex, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$11,025
<u>Maximum Amount of Bonds or Notes:</u>	\$10,474
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 551

(24) Purpose: Renovations to various Township Buildings, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$26,251
<u>Maximum Amount of Bonds or Notes:</u>	\$24,938
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,313

(25) Purpose: Various improvements the Township Senior Center, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$31,501
<u>Maximum Amount of Bonds or Notes:</u>	\$29,926
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,575

(26) Purpose: Acquisition of three dump body replacements for the Township Department of Public Works, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$39,691
<u>Maximum Amount of Bonds or Notes:</u>	\$37,706
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,985

(27) Purpose: Acquisition of a fuel dispensing system and camera setup for the Township Department of Public Works, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$19,846
<u>Maximum Amount of Bonds or Notes:</u>	\$18,854
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 992

(28) Purpose: Acquisition of two dump trucks with plows and sanders for the Township Department of Public Works, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$291,070
<u>Maximum Amount of Bonds or Notes:</u>	\$276,516
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 14,554

(29) Purpose: Acquisition of a mobile line striper for the Township Department of Public Works, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$105,004
<u>Maximum Amount of Bonds or Notes:</u>	\$ 99,754
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 5,250

(30) Purpose: Township wide road overlay program, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto

<u>Appropriation and Estimated Cost:</u>	\$787,528
<u>Maximum Amount of Bonds or Notes:</u>	\$748,152
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 39,376

(31) Purpose: Various park improvements and acquisition of equipment as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$21,001
<u>Maximum Amount of Bonds or Notes:</u>	\$19,951
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,050

(32) Purpose: Various improvements to the Vanderburg Soccer Complex and walkways, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$31,501
<u>Maximum Amount of Bonds or Notes:</u>	\$29,926
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,575

(33) Purpose: Various field turf improvements, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$656,274
<u>Maximum Amount of Bonds or Notes:</u>	\$623,460
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 32,814

(34) Purpose: Upgrading of the Township War Memorial, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$27,826
<u>Maximum Amount of Bonds or Notes:</u>	\$26,435
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,391

(b) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any

inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 11.91 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,501,700, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$175,650 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) The Township reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by

this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council President Morelli opened the Public Hearing on Ordinance # 2006-20 (Fees - Building Dept.). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2006-291/Ord. #2006-20 (Fees - Building Dept.) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-291

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-20

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 55-3
"FEES" OF CHAPTER 55 "CONSTRUCTION CODES, UNIFORM" OF
THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on July 13, 2006, public hearing held August 10th be adopted on second and final reading this 10th day of August, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Morelli opened the Public Hearing on Ordinance # 2006-21 (Amending Chapter 84 - Stormwater Management. After the Public Hearing was held and closed, the following Res. #2006-292/Ord. #2006-21 (Amending Chapter 84 - Stormwater Management) was then introduced by reference as amended, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-292

WHEREAS, Ordinance #2006-21 replaces Section 84-104 "Stormwater Management" of the Code of the Township of Marlboro to establish stormwater management requirements for development in accordance with new State stormwater regulations and the Township's Tier A Municipal Stormwater General Permit; and

WHEREAS, in accordance with N.J.S.A. 40:55D-26, the Ordinance was referred to the Township of Marlboro Planning Board for comment following introduction; and

WHEREAS, the Planning Board issued a report (the "Report") to the Township Council, which is attached hereto and incorporated herein; and

WHEREAS, upon consultation with Administration, the Township Engineer and the Township Attorney, the Township Council accepts the recommendations set forth in the Report and has made the necessary changes, which do not substantially alter the Ordinance.

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-21 (AS AMENDED)

AN ORDINANCE DELETING SECTION 84-104 "STORMWATER MANAGEMENT", ARTICLE VIII "SUBDIVISIONS: DESIGN AND PERFORMANCE STANDARDS", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO AND ADOPTING A NEW ARTICLE ENTITLED ARTICLE IX "STORMWATER MANAGEMENT" OF CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS"

which was introduced on July 13, 2006, public hearing held August 10th be adopted on second and final reading this 10th day of August, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Morelli opened the Public Hearing on Ordinance # 2006-22 (Amending Chapter 84 - Soil Removal). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2006-293/Ord. #2006-22 (Amending Chapter 84 - Soil Removal) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-293

WHEREAS, Ordinance #2006-22 amends and supplements the current Section 84-134 "Soil Removal and Redistribution" to regulate the movement of soil to and from lands located within the Township; and

WHEREAS, in accordance with N.J.S.A. 40:55D-26, the Ordinance was referred to the Township of Marlboro Planning Board for comment following introduction; and

WHEREAS, the Planning Board issued a report (the "Report") to the Township Council, which is attached hereto and incorporated herein; and

WHEREAS, upon consultation with Administration, the Township Engineer and the Township Attorney, the Township Council accepts

recommendations numbers 1, 2, 3, 5 and 6 set forth in the Report and has made the necessary changes, which do not substantially alter the Ordinance; and

WHEREAS, upon consultation with Administration, the Township Engineer and the Township Attorney, the Township Council rejects recommendation number 4 on the basis that it does not agree that the referenced subsection is confusing.

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-22

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-134
"SOIL REMOVAL AND REDISTRIBUTION" OF ARTICLE VIII
"SUBDIVISIONS: DESIGN AND PERFORMANCE STANDARDS" OF
CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS"
OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on July 13, 2006, public hearing held August 10th be adopted on second and final reading this 10th day of August, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Morelli opened the Public Hearing on Ordinance # 2006-23 (Amending Bond Ordinance #2002-27). As there was no one who wished to speak, the public hearing was closed. The following Res. #2006-294/Ord. #2006-23 (Amending Bond Ordinance #2002-27) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-294

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-23

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AMENDING ORDINANCE NO. 2002-27 OF THE TOWNSHIP FINALLY ADOPTED OCTOBER

10, 2002, PROVIDING FOR THE ACQUISITION OF REAL
PROPERTY BY THE TOWNSHIP OF MARLBORO

which was introduced on July 13, 2006, public hearing held August 10th be adopted on second and final reading this 10th day of August, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE # 2006-23

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE
COUNTY OF MONMOUTH, NEW JERSEY, AMENDING ORDINANCE
NO. 2002-27 OF THE TOWNSHIP FINALLY ADOPTED
OCTOBER 10, 2002, PROVIDING FOR THE ACQUISITION OF
REAL PROPERTY BY THE TOWNSHIP OF MARLBORO

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section A. Section 3(a) of Bond Ordinance No. 2002-27 of the Township of Marlboro, in the County of Monmouth, New Jersey, finally adopted October 10, 2002 (the "Prior Ordinance"), is hereby amended in its entirety to read as follows:

(a) "The improvement authorized and the purpose for which obligations are to be issued is the acquisition of real property, said parcel being designated as a portion of Block 159, Lot 1 and Block 160, Lot 8 in the Township, as well as shown on and in accordance with the plans and specifications therefor on file in the Office of the Clerk and the preliminary investigation of the remediation thereof."

Section B. Section 6(b) of the Prior Ordinance is hereby amended such that the period of usefulness of the improvements, within the limitation of the Local Bond Law and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is amended from 40 years to 39.93 years.

Section C. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any

inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section D. After passage upon first reading of this bond ordinance, the Township Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Township Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section E. After final adoption of this bond ordinance by the Mayor and Council, the Township Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section F. This ordinance amends Bond Ordinance No. 2002-27 of the Township finally adopted October 10, 2002. Any inconsistencies shall be resolved by reference to this amending ordinance. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section G. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section E hereof and the Local Bond Law.

The following Res. #2006-295/Ord. #2006-24 (Amending Ord. #2006-17 - Development Fees) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-295

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-24

AN ORDINANCE AMENDING CHAPTER 5 "AFFORDABLE HOUSING", ARTICLE III "DEVELOPMENT FEES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 7, 2006 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2006-24

AN ORDINANCE AMENDING CHAPTER 5 "AFFORDABLE HOUSING", ARTICLE III "DEVELOPMENT FEES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF MARLBORO

WHEREAS, by Ordinance No. 2006-17 (the "Ordinance"), the Township of Marlboro updated Chapter 5 "Affordable Housing", Article III "Development Fees" to provide for the collection of development fees in accordance with the adopted Housing Plan Element and Fair Share Plan of the Township of Marlboro; and

WHEREAS, specifically, the Ordinance increased the development fees percentages to reflect those allowed under N.J.A.C. 5:94-6.6(a) and 6.7(a); and

WHEREAS, following adoption, the Township submitted the Ordinance to the Council on Affordable Housing ("COAH") for approval; and

WHEREAS, by Resolution dated July 18, 2006, COAH approved the Ordinance subject to the Township making certain other revisions to Chapter 5 "Affordable Housing", Article III "Development Fees"; and

WHEREAS, in accordance with COAH's approval, the Township Council now desires to readopt the Ordinance, together with the additional revisions to Chapter 5 "Affordable Housing", Article III "Development Fees" required by COAH.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the definition of "Substantive Certification" contained in Section 5-27 "Definitions" shall be revised in its entirety to read as follows:

"SUBSTANTIVE CERTIFICATION - means a determination by COAH approving a municipality's Housing Element and Fair Share Plan in accordance with the provisions of the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., and the rules and criteria as set forth in N.J.A.C. 5:94-1.1, et seq. A grant of substantive certification shall run for a period of 10 years beginning on the date that a municipality files a Housing Element and Fair Share Plan with COAH in accordance with N.J.S.A. 52:27D-313, but shall not extend beyond a period of 10 years from December 20, 2005."

BE IT FURTHER ORDAINED, that, throughout Section 5-28 "Residential development fees", the phrase "a development fee of ½ of 1% of equalized assessed value" shall be changed to "a development fee of 1% of the equalized assessed value"; and

BE IT FURTHER ORDAINED, that Section 5-28.1 "Nonresidential development fees" shall be revised to replace "in the amount of 1% of the equalized assessed value of the property" as used in the first sentence of that Section with "in the amount of 2% of the equalized assessed value of the property" and to replace "the development fee of 1% referenced above" as used in the second sentence of that Section with "the development fee of 2% referenced above"; and

BE IT FURTHER ORDAINED, that subsection A of Section 5-29 "Eligible exaction, ineligible exaction and exemptions" shall be amended in its entirety to read as follows:

"A. Developers required to provide affordable housing units or a contribution in lieu of construction thereof pursuant to the

Township's Growth Share Ordinance shall be exempt from development fees."

BE IT FURTHER ORDAINED, that a new subsection C shall be added to Section 5-30 "Collection of fees" and shall read in its entirety as follows:

"C. Imposed and collected development fees that are challenged shall be placed in an interest bearing escrow account by the Township. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned."

BE IT FURTHER ORDAINED, that subsection A of Section 5-31 "Housing Trust Fund" shall be amended in its entirety to read as follows:

"A. There is hereby created a separate interest-bearing housing trust fund in an approved depository for the purpose of receiving all development fees under this article. All development fees paid into this fund and all interest accrued shall only be used on eligible affordable housing activities approved by COAH."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. #2006-296/Ord. #2006-25 (Obtain Drainage Easement - Stokes Lane) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Traghi and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-296

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-25

AN ORDINANCE AUTHORIZING THE TOWNSHIP TO OBTAIN A DRAINAGE EASEMENT DOWN THE CENTER LINE OF STOKES LANE IN THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 7, 2006 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2006-25

AN ORDINANCE AUTHORIZING THE TOWNSHIP TO OBTAIN A DRAINAGE EASEMENT DOWN THE CENTER LINE OF STOKES LANE IN THE TOWNSHIP OF MARLBORO

WHEREAS, pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-5, the Township of Marlboro has the power to acquire any real property for public purposes by purchase or other authorized means; and

WHEREAS, as part of a project to install drainage structures in the vicinity of Robertsville Road and Stokes Lane in the Township of Marlboro (the "Drainage Project"), the Township is in need of a drainage easement which falls approximately down the center line of Stokes Lane (the "Drainage Easement"); and

WHEREAS, a title search has revealed that Stokes Lane is privately owned; and

WHEREAS, the Township desires to obtain the necessary Drainage Easement by purchase or other authorized means so that the Drainage Project can be completed.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the acquisition by purchase or other authorized means of the Drainage Easement be and hereby is authorized for an amount not to exceed the fair market value of the Drainage Easement; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. #2006-297/Ord. #2006-26 (Amend Chapter 84 MHD II Mobile Home District/Sheds) was introduced by reference as amended, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-297

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-26

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 84-47 "MHD MOBILE HOME PARK DISTRICT" AND 84-47.1 "MHD-II MOBILE HOME PARK DISTRICT" OF ARTICLE III "ZONING: STANDARDS AND REGULATIONS" OF CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 7, 2006 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2006-26

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 84-47
"MHD MOBILE HOME PARK DISTRICT" AND 84-47.1 "MHD-II MOBILE
HOME PARK DISTRICT" OF ARTICLE III "ZONING: STANDARDS AND
REGULATIONS" OF CHAPTER 84 "LAND USE DEVELOPMENT AND
REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, Section 84-47 of the Code of the Township of Marlboro establishes the regulations for the MHD Mobile Home Park District; and

WHEREAS, Section 84-47.1 establishes the regulations for the MHD-II Mobile Home Park District and incorporates by reference most of the requirements set forth in Section 84-47; and

WHEREAS, the Mayor and the Township Council desire to amend Section 84-47 "MHD Mobile Home Park District" of the Code of the Township of Marlboro to make sheds a permitted accessory use in that district and therefore, by reference, to also allow sheds in the MHD-II Mobile Home Park District (Section 84-47.1) as a permitted accessory use.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that subsection B of Section 84-47 "MHD Mobile Home Park District", Article III "Zoning Standards and Regulations", Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro be and hereby is amended to add a new subsection B(3) to read as follows:

"B(3) Sheds of no more than 100 square feet in area set back a minimum of five (5) feet from all principal structures."

BE IT FURTHER ORDAINED, that any non-conforming sheds in existence in the MHD Mobile Home Park District or the MHD-II Mobile Home Park District as of the effective date of this Ordinance shall be permitted regardless of whether such sheds comply with the requirements established by this Ordinance; however, any replacement of such a shed or any other new shed located in either of these districts shall comply with the requirements set forth in Section 84-47B(3);

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution # 2006-298 (Acceptance of Audit - General Comments and Recommendations) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-298

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the annual report of audit for the year 2005 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations
Auditor's Opinion
Single Audit Findings

and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations
Auditor's Opinions
Single Audit Findings

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The following Resolution # 2006-299 (Award of Bid - Masonry Contract) was introduced by reference as amended, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-299

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO JADS
CONSTRUCTION CO. OF NEW JERSEY, INC. TO REMOVE AND
REPLACE EXISTING DAMAGED CONCRETE SIDEWALKS,
APRONS AND CURBS AT VARIOUS LOCATIONS FOR
THE MARLBORO TOWNSHIP ENGINEERING DIVISION

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the removal and replacement of existing damaged concrete sidewalks, aprons and curbs at various locations for the Marlboro Township Engineering Division; and

WHEREAS, bidders were required to submit proposals for five (5) alternate locations numbered Locations #1 through #5; and

WHEREAS, nine (9) bids were received as follows:

Jads Construction Co. of New Jersey, Inc. in the total amount of \$83,740.00;

Concrete Master, Inc. in the total amount of \$90,990.40;

Spartan Construction, Inc. in the total amount of \$98,198.00;

Lancha Construction Corp. in the total amount of \$101,232.00;

T. Fiotakis Construction in the total amount of \$110,518.00;

Diamond Construction in the total amount of \$141,768.00;

F & P Contractor's Inc. in the total amount of \$166,372.00;

Arnold's Roads in the total amount of \$177,140.00; and

Earle Asphalt Co. in the total amount of \$214,514.94; and

WHEREAS, the Administration, Township Engineer and the Township Attorney have reviewed the bids received and recommend that a contract to provide the required services at Locations #1 through #4 be awarded to Jads Construction Co. of New Jersey, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Jads Construction Co. of New Jersey, Inc., for the provision of the aforesaid services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the removal and replacement of existing damaged concrete sidewalks, aprons and curbs at Locations #1 through #4 for the Marlboro Township Engineering Division be and hereby is awarded to Jads Construction Co. of New Jersey, Inc. in the total amount of \$71,660.00 and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Jads Construction Co. of New Jersey, Inc. in accordance with the bid proposal submitted by Jads Construction Co. of New Jersey, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-950-916; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Jads Construction Co. of New Jersey, Inc.
- b. Township Engineer
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP.

The following Resolution # 2006-301 (Authorizing Professional Service Contract - Birdsall) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-301

A RESOLUTION AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES CONTRACTS BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR VARIOUS ENGINEERING SERVICES

WHEREAS, the Township of Marlboro is in need of professional engineering services for certain projects; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Birdsall Engineering, Inc. has submitted the following proposals (the "Proposals") to the Township of Marlboro to provide the aforementioned professional engineering services:

- 1) Engineering and Construction Management for Woodcliff Park Renovations for an amount not to exceed \$17,650.00;
- 2) Design Services and Construction Administration for the 2006 Roadway Improvement Program for an amount not to exceed \$60,000;
- 3) Inspection and Construction Administration for roadway improvements to Robertsville and Gordons Corner Roads for an amount not to exceed \$43,490.00;
- 4) Inspection and Construction Administration for roadway improvements to Robertsville Road - Serpentine Drive to Old Bridge Township for an amount not to exceed \$20,400.00;

WHEREAS, the Chief Financial Officer has certified in writing that certain of these proposals will exceed \$17,500; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Birdsall Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposals; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute contracts, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contracts, which is attached hereto, and that sufficient funds are available for said contacts from the following account numbers:

- 1) Woodcliff Park Renovations - G-02-41-771-399
- 2) 2006 Road Imp. Program - X-04-55-960-960
- 3) Robertsville/Gordons Corner - X-04-55-960-936
- 4) Robertsville Road - X-04-55-960-935

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc., Eatontown, NJ
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

Councilman Pernice recused himself on this resolution and left the room. The following Resolution # 2006-302 (Authorizing Professional Service Contract - Planner - LC Litigation) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Morelli and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor and Pernice).

RESOLUTION # 2006-302

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICE CONTRACT BETWEEN BANISCH ASSOCIATES, INC. AND THE TOWNSHIP OF MARLBORO FOR THE PREPARATION OF A PLANNER'S REPORT AND OTHER SERVICES IN CONNECTION WITH THE LITIGATION CHALLENGING ORDINANCE NO. 2005-28

WHEREAS, the Township adopted Ordinance No. 2005-28 (the "Ordinance") which rezoned certain identified properties from R-80 zoning to Land Conservation ("LC") zoning; and

WHEREAS, since the adoption of the Ordinance, various lawsuits have been initiated by property owners against the Township challenging the validity of the Ordinance (collectively, the "LC Litigation"); and

WHEREAS, as part of the LC Litigation, it is necessary for the Township to retain the services of a planner to prepare a planning report and, if necessary, provide expert testimony at trial; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Banish Associates, Inc. submitted a proposal to the Township dated April 6, 2006 to prepare the necessary planning report for the LC Litigation for a cost not to exceed \$20,000.00 and to provide necessary expert testimony and preparation for depositions and trial at its hourly rates; and

WHEREAS, Banish Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Banish Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Banish Associates, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, Banish Associates, Inc. has completed the required Political Contribution Disclosure Form pursuant to N.J.S.A. 19:44A-20.26; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Banish Associates, Inc. to provide the required professional services in accordance with its April 6, 2006 proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Banisch Associates, Inc. and the Township of Marlboro to prepare the necessary planning report for the LC Litigation and to provide necessary expert testimony and preparation for depositions and trial at its quoted hourly rates for a total amount not to exceed \$25,000.00 in accordance with its April 6, 2006 proposal; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 6-01- -050-291; and

BE IT FURTHER RESOLVED, that Banisch Associates, Inc.'s Business Entity Disclosure Certification and Political Contribution Disclosure Form are attached hereto; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Banisch Associates, Inc.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2006-303 (Authorizing Professional Service Contract - Financial Advisor) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-303

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL
SERVICES CONTRACT BETWEEN JERSEY PROFESSIONAL MANAGEMENT
AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF
FINANCIAL CONSULTING SERVICES

WHEREAS, the Township of Marlboro is in need of professional financial consulting services; and

WHEREAS, Jersey Professional Management submitted the attached proposal (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$10,000.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Jersey Professional Management to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Jersey Professional Management and the Township of Marlboro to provide the required professional services in accordance with the Proposal for an amount not to exceed \$10,000.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number 6-01-040-288.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Jersey Professional Management
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Resolution # 2006-305 (Authorizing Contract for Appraisal - B. 155, L. 13.03 - Golden Valley Farm) was introduced by reference, offered by Council President

Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-305

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN STUART APPRAISAL COMPANY INC. AND THE TOWNSHIP OF MARLBORO FOR APPRAISAL SERVICES FOR BLOCK 155, LOT 13.03 IN CONNECTION WITH POTENTIAL OPEN SPACE LAND ACQUISITION

WHEREAS, the Township of Marlboro is in need of professional appraisal services for Block 155, Lot 13.03 in connection with potential Open Space land acquisition; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Stuart Appraisal Company Inc. has submitted the attached proposal dated August 3, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$2,800.00; and

WHEREAS, Stuart Appraisal Company Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Stuart Appraisal Company Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Stuart Appraisal Company Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Stuart Appraisal Company Inc. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that

notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Stuart Appraisal Company Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Trust Account Number T-15-56-859-815.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Stuart Appraisal Company Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Resolution # 2006-306 (Authorizing Interlocal Service Agreement - Marlboro Twp. Bd. Of Education Transportation - NANTO CITY) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-306

A RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT
BETWEEN THE TOWNSHIP OF MARLBORO AND THE TOWNSHIP OF
MARLBORO BOARD OF EDUCATION FOR THE TRANSPORTATION OF
STUDENTS AND ADULTS ARRIVING FROM NANTO CITY, JAPAN
AS PART OF THE YOUTH EXCHANGE PROGRAM

WHEREAS, as codified in Section 4-12.C of the Code of the Township of Marlboro, by Ordinance #2003-28, the Township Council established the Youth Exchange Advisory Committee as a special committee of the Township Council to oversee the administration, management and planning of the Youth Exchange Program between the Township of Marlboro and the Town of Johana (renamed Nanto City), Toyama Prefecture, Japan; and

WHEREAS, on August 17, 2006, sixteen (16) students and four (4) adults from Nanto City, Japan will be arriving in the United States as part of the Youth Exchange Program; and

WHEREAS, it is necessary for the Township to make arrangements for the students and adults arriving from Nanto City to be transported from the airport to the Township of Marlboro; and

WHEREAS, the most cost effective means to transport the students and adults is for the Township to enter into an Interlocal Services Agreement with the Marlboro Township Board of Education ("BOE"), whereby the BOE will provide transportation for the students and adults arriving from Nanto City and the Township will pay for the cost of the driver, gasoline, tolls and any other agreed upon costs associated with their transportation; and

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 *et seq.*, permits local units of this State to enter into a contract with any other local unit for the joint provision within their combined jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute an Interlocal Services Agreement, in a form legally acceptable to the Township Attorney, between the BOE and the Township of Marlboro, whereby the BOE will provide transportation from the airport to the Township of Marlboro for the students and adults arriving from Nanto City on August 17, 2006 and the Township will pay for the cost of the driver, gasoline and tolls associated with their transportation; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Board of Education
- b. Youth Exchange Advisory Committee
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2006-307 (Supporting Mayor's Wellness Campaign) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-307

STATEMENT OF SUPPORT FOR THE MAYORS
WELLNESS CAMPAIGN

WHEREAS, across New Jersey, communities are facing a rise in health care costs; and

WHEREAS, physical activity levels have been decreasing and obesity rates increasing; and

WHEREAS, local leaders are looking for ways to promote active living, healthy eating, and overall wellness in their communities; and

WHEREAS, the Mayors Wellness Campaign works with Mayors and key leaders to shape healthier lifestyles for the men, women and children in their communities; and

WHEREAS, communities can work towards the goal of healthier citizens and lower health care costs by championing practices and programs that promote active living; and

WHEREAS, the Mayors Wellness Campaign will work to implement a comprehensive program of outreach, education and technical assistance activities to combat obesity and inactivity issues for the Township of Marlboro;

NOW THEREFORE, BE IT RESOLVED, by the Council of the Township of Marlboro, New Jersey, ask that all residents of this community join us in supporting the Mayors Wellness Campaign; and

BE IT FURTHER RESOLVED, that we encourage the residents of the Township of Marlboro to participate in Mayors Wellness Campaign activities to promote exercise, eating properly and living healthier and better life.

The following Resolution # 2006-308 (Bond Reduction Tall Oaks) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-308

A RESOLUTION AUTHORIZING THE REDUCTION OF THE
PERFORMANCE BOND AND LETTER OF CREDIT FOR THE
TALL OAKS RESIDENTIAL SUBDIVISION PROJECT

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Sunnyside Estates, LLC for the reduction of the Performance Bond and Letter of Credit being held by the Township for the Tall Oaks Residential Subdivision project; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated July 25, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends a partial reduction in the current Performance Bond and Letter of Credit amounts being held by the Township, subject to the payment of all fees as required by the Developer's Agreement; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Letter of Credit.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Letter of Credit for the Tall Oaks Residential Subdivision project be reduced as follows:

The Performance Bond, in the original and present amount of \$323,595.95, shall be reduced by \$140,985.52, so that the amount to remain shall be \$182,610.43; and

The Letter of Credit, in the original and present amount of \$35,955.11, shall be reduced by \$15,665.06, so that the amount to remain shall be \$20,290.05; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the payment of all fees required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Sunnyside Estates, LLC
- b. Bond Safeguard Insurance Company
- c. Sovereign Bank
- d. Township Engineer
- e. Chief Financial Officer
- f. Gluck Walrath LLP

The following Resolution # 2006-309 (Bond Reduction Meiterman Commercial Property) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-309

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE
BOND AND CASH BOND FOR THE MEITERMAN COMMERCIAL PROPERTIES
PROJECT, BLOCK 268.01, LOTS 42-43, ROUTE 9 NORTH

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Meiterman Commercial Properties, LLC for the reduction of the Performance Bond and Cash Bond being held by the Township for the Meiterman Commercial Properties project, Block 268.01, Lots 42-43, Route 9 North; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated July 25, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends a partial reduction in the current Performance Bond and Cash Bond amounts being held by the Township, subject to the receipt of an as-built drawing reflecting all improvements installed to date and the payment of all fees as required by the Developer's Agreement; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond for the Meiterman Commercial Properties project, Block 268.01, Lots 42-43, Route 9 North be reduced as follows:

The Performance Bond, in the original and present amount of \$311,187.00, shall be reduced by \$217,830.90, so that the amount to remain shall be \$93,356.10; and

The Cash Bond, in the original and present amount of \$30,000.00, shall be reduced by \$21,000.00, so that the amount to remain shall be \$9,000.00; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the receipt of an as-built drawing reflecting all improvements installed to date and the payment of all fees as required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Meiterman Commercial Properties, LLC
- b. International Fidelity Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution # 2006-310 (Bond Release Karlen Management Site Plan) was introduced by reference as amended, offered by Councilman Pernice, and seconded by Council President Morelli. Discussion followed, after which Township Attorney Andrew Bayer suggested amending the resolution. The resolution as amended was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2006-310 (AS AMENDED)

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND GUARANTEEING SITE IMPROVEMENTS FOR BLOCK 167, LOT 13, ROUTE 79 NORTH

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Karlen Management, LLC for the release of the Performance Bond and Cash Bond being held by the Township with respect to the site improvements for Block 167, Lot 13, Route 79 North; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township

Engineer dated July 25, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon the payment of all outstanding invoices and fees up to the date of the release and the posting of a Maintenance Bond in the amount of \$7,845.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond in the original and current amount of \$47,000.00 and the Cash Bond in the original and current amount of \$5,300.00 posted for the site improvements to Block 167, Lot 13, Route 79 North shall each be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the payment of all outstanding invoices and fees up to the date of the release and the posting of a Maintenance Bond in the amount of \$7,845.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Karlen Management, LLC
- b. Bond Safeguard Insurance, Co.
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution # 2006-311 (Grant Cancellation - Bulletproof Vest and Body Armor Grants) was introduced by reference, offered by Councilman Pernice, seconded by Council President Morelli and passed on a roll call vote of 4 - 0 in favor.

RESOLUTION # 2006-311

WHEREAS, the Township of Marlboro Annual Financial Statement dated 12/31/05 reflects certain grant balances, and

WHEREAS, the following grants have balances that are not in balance with balances maintained by the State and Federal Government; and

WHEREAS, there adjustments are necessary to bring the book balances maintained by the Township of Marlboro into balance with those maintained by the State and Federal Government.

NOW, THEREFORE, BE IT RESOLVED that the following adjustments and cancellations are hereby approved, and the Chief Financial Officer is authorized to make the appropriate entries to reflect this action.

	Cancellation Amount
Bullet Proof Vest Grant Receivable	\$ 1,418.17
Body Armor Grant Receivable	358.34
Total	\$ 1,776.51
Bullet Proof Vest Grant Appropriated	\$ 1,795.04
Body Armor Grant Appropriated	358.34
Total	\$ 2,153.38

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Council President Morelli and passed on a roll call vote of 4 - 0 in favor: Res. #2006-312 (Authorization to Bid - Union Hill Commuter Lot Improvements, Security Equipment/Installation, Security Hardware/Upgrades (Schools/Police), Robertsville/Gordons Corner Road Improvements), Res. #2006-313 (Change Order #1 - Architectural Service - Police Expansion - Arcari & Iovino), Res. #2006-314 (Change Order #1 - Equipment Rental), Res. #2006-315 (Change Order #2 - Earle Asphalt Company), Res. #2006-316 (Refund Pool Permit fee), Res. #2006-317 (Raffle License St. Benedicts (On premise merchandise), Res. #2006-318 (Raffle License Marlboro Mustangs Parent Football Club - On premise Merchandise), Res. #2006-319 (Redemption Tax Sale Certs. - Various) and Res. #2006-320 (Refunds for Veteran Deductions - Various).

RESOLUTION # 2006-312

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Union Hill Commuter Lot Improvements
Security Equipment/Installation
Security Hardware/Upgrades (Schools/Police)
Robertsville / Gordons Corner Road Improvements

RESOLUTION # 2006-313

A RESOLUTION AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT
AWARDED TO ARCARI & IOVINO ARCHITECTS P.C. FOR THE
PROVISION OF ARCHITECTURAL SERVICES IN CONNECTION WITH
THE BUILDING EXPANSION FOR THE TOWNSHIP OF MARLBORO
POLICE AND BUILDING DEPARTMENTS

WHEREAS, by Resolution #2006-154, the Township of Marlboro awarded a professional services contract to Arcari & Iovino Architects P.C for the provision of architectural services in connection with the building expansion for the Township of Marlboro Police and Building Departments for a total contract amount of \$65,000.00 (the "Contract"); and

WHEREAS, Arcari & Iovino Architects P.C. was required to provide additional services due to the need for additional foundation support for a total cost of \$3,500.00; and

WHEREAS, the Director of Public Works has recommended that the Township Council authorize Change Order #1 to the Contract for \$3,500.00, thereby increasing the total contract amount to \$68,500.00; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.1, *et seq.*, change orders that do not, in the aggregate, exceed 20% of the original contract amount, can be authorized by the governing body without additional public bidding.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Mayor is authorized to execute Change Order #1 to the Contract between the Township of Marlboro and Arcari & Iovino Architects P.C. increasing the total contract amount to \$68,500.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for Change Order #1, which is attached hereto, and that sufficient funds are available for said change order from Capital Account Number X-04-55-943-911; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Arcari & Iovino Architects P.C.
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2006-314

A RESOLUTION AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT
AWARDED TO BECKER'S TREE SERVICE, INC. FOR THE RENTAL OF
ONE HAMMER MILL GRINDER FOR THE TOWNSHIP OF MARLBORO
DEPARTMENT OF PUBLIC WORKS

WHEREAS, by Resolution #2006-268, the Township of Marlboro awarded a contract to Becker's Tree Service, Inc., the lowest qualified bidder, for the rental of one hammer mill grinder for the Township of Marlboro Department of Public Works for a total contract amount of \$26,600.00 (the "Contract"); and

WHEREAS, Becker's Tree Service, Inc. was required to provide additional machinery and operator service due to equipment damage to the original machine for a total cost of \$5,000.00; and

WHEREAS, the Director of Public Works has recommended that the Township Council authorize Change Order #1 to the Contract for \$5,000.00, thereby increasing the total contract amount to \$31,600.00; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.1, *et seq.*, change orders that do not, in the aggregate, exceed 20% of the original contract amount, can be authorized by the governing body without additional public bidding.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Mayor is authorized to execute Change Order #1 to the Contract between the Township of Marlboro and Becker's Tree Service, Inc. increasing the total contract amount to \$31,600.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for Change Order #1, which is attached hereto, and that sufficient funds are available for said change order from Account Number G-02-41-709-400; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Becker's Tree Service, Inc.
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2006-315

A RESOLUTION AUTHORIZING AND APPROVING CHANGE ORDER #2 TO
THE CONTRACT AWARDED TO EARLE ASPHALT COMPANY FOR THE
2005 CAPITAL ROAD PROGRAM - VARIOUS LOCATIONS
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, by Resolution #2005-366, the Township of Marlboro awarded a contract to Earle Asphalt Company, the lowest qualified bidder, for the 2005 Capital Road Program - Various Locations for the Township of Marlboro for a total contract amount of \$572,313.13 (the "Contract"); and

WHEREAS, by Resolution #2005-422, dated October 6, 2005 the Township of Marlboro authorized Change Order #1 in the amount of \$14,156.48, thereby increasing the total contract amount to \$586,469.61; and

WHEREAS, Earle Asphalt Company was again required to perform additional work outside of the Contract for a total cost of \$12,415.72; and

WHEREAS, the Township Engineer has recommended that the Township Council authorize Change Order #2 to the Contract for \$12,415.72, thereby increasing the total contract amount to \$598,885.33; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.1, *et seq.*, change orders that do not, in the aggregate, exceed 20% of the original contract amount, can be authorized by the governing body without additional public bidding.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Mayor is authorized to execute Change Order #2 to the Contract between the Township of Marlboro and Earle Asphalt Company increasing the total contract amount to \$598,885.33; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for Change Order #2, which is

attached hereto, and that sufficient funds are available for said change order from Account Number X-04-55-950-905; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Earle Asphalt Company
- b. Township Engineer
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2006-316

RESOLUTION AUTHORIZING REFUND
OF POOL PERMIT FEE

WHEREAS, on June 21, 2006 Matteo Guida applied for a pool permit for 29 Eagle Road and paid the permit fee in the amount of \$300.00; and

WHEREAS, on July 26 the Engineering Department made an inspection at the location; and

WHEREAS, the engineering fee was \$100.00; and

WHEREAS, on July 3rd there was a request made to cancel the permit; and

WHEREAS, a request for refund of the permit fee has been received;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the amount of \$200.00 from the Current Account be refunded to Matteo Guida for the balance of the permit fee.

RESOLUTION # 2006-317

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 11-06 (On Premise Merchandise) be and it is hereby granted to St. Benedict School, 165 Bethany Road, Holmdel, New Jersey 07733.

BE IT FURTHER RESOLVED that said Raffle will be held on October 16, 2006 at 7:30am-5:00pm at Bella Vista Country Club, 100 School Road East., Marlboro, N. J. 07746.

RESOLUTION # 2006-318

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 12-06 (On Premise 50/50) be and it is hereby granted to Mustang Parents Football Club Corp., 95 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

September 16, 2006	12 - 3 PM
October 7, 2006	12 - 3 PM
October 14, 2006	2 - 4:30PM
November 23, 2006	10:AM - 12 PM

at Marlboro High School, 95 North Main Street, Marlboro N.J. 07746.

RESOLUTION # 2006-319

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$26,951.46 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$26,951.46 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
04-2	109/3	Fernwood Funding, LLC	\$1,226.33
	Texas Road	92 Main Avenue	
		Wallington, NJ 07057	
06-8	153/49	Wachovia-Cust/SASS Muni V dtr	22,760.69
94	Beacon Hill Road	123 S. Broad Street, PA 1328S	
		Tax Lien Services Group	
		Philadelphia, PA 19109	

06-20	116/31	Berkshire Investment 5, LLC	622.78
12 Nolan Road		c/o Scott Borsack	
		13 Berkshire Drive	
		West Windsor, NJ 08550	
06-29	176/7 C0947	Chun T. Li	782.89
947 Lily Court		9 Maljim Court	
		Wayne, NJ 07470	
06-32	243/15	Lillian Y. Zhang	1,284.12
73 Wyncrest Road		11 Walnut Street	
		Livingston, NJ 07039	
06-42	332/9	American Tax Funding, LLC	274.65
91 Ottawa Rd. South		Harris Nesbitt Corp as SP	
		91 Ottawa Road South	
		Orlando, FL 32886-2658	
TOTAL:			\$26,951.46

RESOLUTION # 2006-320

WHEREAS, Veteran deductions totaling \$500.00 have been granted as per the attached Schedule "A" for the year 2006,

WHEREAS, taxes for the year 2006 have unpaid balances as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>
118	21	George & Georgeanna Massey	\$250.00
45 Lloyd Road		45 Lloyd Road	
		Morganville, NJ 07751	
252	15	Daniel & Ann B. Hrubes	250.00
5 Monroe Drive		5 Monroe Drive	
		Marlboro, NJ 07746	
TOTAL:			\$500.00

At 10:45PM, Councilman Pernice moved that the meeting go into executive session for reason of discussing property acquisition and contract negotiations. This was seconded by Council President Morelli, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

RESOLUTION # 2006-304

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 10th day of August, 2006 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely property acquisition and contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately ten minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:55PM, Council President Morelli moved that the meeting be opened. This was seconded by Councilman Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

At 10:56PM, Council President Morelli moved that the meeting be adjourned. This was seconded by Councilman Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

MINUTES APPROVED: September 21, 2006

OFFERED BY: Pernice AYES: 4

SECONDED BY: Rosenthal NAYS: 0

ABSTAIN: Cantor

ALIDA DE GAETA,
MUNICIPAL CLERK

PATRICIA MORELLI,
COUNCIL PRESIDENT

